

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
CORPUS CHRISTI DIVISION

CONG NGUYEN, *et al*, §  
Plaintiffs, §  
VS. § CIVIL ACTION NO. 2:13-CV-00056  
THE BANK OF NEW YORK MELLON, §  
N.A.; fka THE BANK OF NEW YORK, §  
Defendant. §

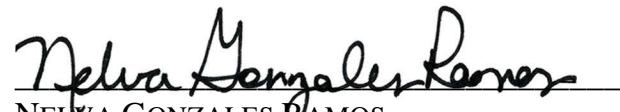
**ORDER**

Before the Court is “Defendant’s Motion to Dismiss” (D.E. 4). Pursuant to Local Rule 7.3, opposed motions will be submitted to the judge 21 days from filing. The Motion was filed on March 8, 2013 and its submission date was March 29, 2013. Respondents have not filed a response to the Motion. Pursuant to Local Rule 7.4, failure to respond is taken as a representation of no opposition to the relief sought. The Court finds that Respondents’ default further demonstrates a failure to prosecute their claims subject to the Motion.

The Court, after reviewing the Motion and the Respondents’ state court Original Petition, finds that the Original Petition (D.E. 1-1) is insufficient to comply with the Federal Rules of Civil Procedure as to pleading standards, as more fully discussed in *Bell Atlantic Corp. v. Twombly*, 550 U.S. 544, 127 S.Ct. 1955, 1966 (2007) and *Ashcroft v. Iqbal*, 556 U.S. 662, 129 S.Ct. 1937 (2009). For these reasons, the Motion to Dismiss (D.E. 4) is GRANTED with respect to its request for “all other relief to which it may be

entitled" and Respondents are ORDERED to file an Amended Complaint in compliance with *Twombly* and *Iqbal* on or before May 7, 2013.

ORDERED this 30th day of April, 2013.

  
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NELVA GONZALES RAMOS  
UNITED STATES DISTRICT JUDGE